



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12/B
8/19/02
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TECH CENTER 1600/2900

In re Application of:

Koziel *et al.*

Serial No. 09/988,462

Filed: November 20, 2001

For: **Synthetic DNA Sequence Having
Enhanced Insecticidal Activity in
Maize**

Art Unit: TBA

Examiner: TBA

Atty Docket: S-18805I

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

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Sir:

Prior to the examination of the above-referenced application, applicants respectfully request entry of the following amendments.

IN THE CLAIMS

Please amend claim 105 which is shown below in rewritten clean form.

B¹ 105. (amended) A transgenic plant seed comprising a chimeric gene comprising a heterologous promoter sequence operatively linked to a synthetic DNA coding sequence that encodes a *Bacillus thuringiensis* (Bt) insecticidal protein selected for optimized expression in a plant, wherein said synthetic DNA coding sequence is produced by a method comprising:

- (a) obtaining the amino acid sequence of said Bt insecticidal protein;
- (b) reverse-translating said amino acid sequence into a synthetic DNA coding sequence comprising a sufficient number of the following codons: GCC, CGC, AAC, GAC, TGC, CAG, GAG, GGC, CAC, ATC, CTG, AAG,

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